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ALLOCATION OF PREPARATORY WORK TO THE SUBSIDIARY BODIES FOR THE FIRST SESSION OF THE CONFERENCE OF THE PARTIES SERVING AS THE MEETING OF THE PARTIES TO THE KYOTO PROTOCOL

Note by the Chairmen

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I. INTRODUCTION

A. Mandate

1. By its decision 1/CP.3, on the adoption of the Kyoto Protocol to the United Nations Framework Convention on Climate Change, the Conference of the Parties (COP) invited the Chairmen of the Subsidiary Body for Scientific and Technological Advice (SBSTA) and the Subsidiary Body for Implementation (SBI) "to make a joint proposal to those bodies, at their eighth sessions, on the allocation to them of preparatory work to enable the Conference of the Parties serving as the meeting of the Parties to the Protocol, at its first session after the entry into force of the Protocol, to accomplish the tasks assigned to it by the Protocol" (FCCC/CP/1997/7/Add.1, decision 1/CP.3, para. 6).

2. The Chairmen of the SBSTA and the SBI have prepared the joint proposal contained in this note in response to the above mandate.

B. Scope of the note

3. Section II of this note identifies those tasks specified in the Kyoto Protocol for action by the COP serving as the meeting of the Parties (MOP) at its first session (COP/MOP 1), including those tasks which can also be carried out "as soon as practicable thereafter". It then puts forward, for each task, a proposal for the allocation of work to the respective subsidiary bodies accompanied by a brief explanation for the proposal.

4. The proposed allocation builds on the functions of the subsidiary bodies as set out in Articles 9 and 10 of the Convention and further elaborated by the COP in its decisions 6/CP.1 and 13/CP.3. It also takes account of the roles assigned to the subsidiary bodies by the Kyoto Protocol in its Article 15.

5. The note has been prepared with a view to minimizing duplication and overlap and to securing maximum continuity and integration with the existing work programmes of the subsidiary bodies. The note is also consistent with the allocation of work by the Chairmen on those items listed in paragraph 5 of decision 1/CP.3 (see FCCC/SBSTA/1998/1, paras. 6 and 7 and FCCC/SBI/1998/1, paras. 6 and 7).

6. For ease of reference, a summary of the tasks allocated to each subsidiary body for action in preparation for COP/MOP 1 can be found in annex I to this note.

7. The Protocol assigns a number of additional tasks to the COP/MOP, to be carried out either by a specified date subsequent to COP/MOP 1, or as part of an ongoing programme of work with no fixed deadline. In order to assist the SBSTA and the SBI in the efficient organization of their longer term activities pursuant to the adoption of the Kyoto Protocol, these tasks are listed in annex II to this note.

8. The Chairmen may make further proposals to the SBSTA and the SBI on the allocation and organization of work in preparation for COP/MOP 1 as a result of their informal consultations.

C. Possible action by the subsidiary bodies

9. The SBSTA and the SBI, at their eighth sessions, are invited to consider the joint proposal by the Chairmen contained in this note with a view to its endorsement. The convening of a joint contact group may assist the SBSTA and the SBI, at their eighth sessions, in formulating a recommendation to COP 4 for a decision on this matter (see FCCC/SBSTA/1998/1, para. 13 and FCCC/SBI/1998/1, para. 13).

10. In addition, Parties may wish to begin to address, at the eighth sessions of the subsidiary bodies, the programme of work to be followed by the SBSTA and the SBI in preparation for COP/MOP 1. In particular, Parties may wish to consider how the tasks to be undertaken could best be integrated into the existing work programmes of the respective subsidiary bodies and whether it would be helpful to identify priorities for early consideration. The above-mentioned joint contact group could also provide a useful vehicle for deliberations on this matter (see FCCC/SBSTA/1998/1, para. 14 and FCCC/SBI/1998/1, para. 14).

11. The SBSTA and the SBI may also wish to consider the list of additional tasks contained in annex II to this note with the aim of identifying any action that may be required at this stage, and to return to the list at a future session.

II. ALLOCATION TO THE SUBSIDIARY BODIES OF PREPARATORY WORK FOR THE FIRST SESSION OF THE COP/MOP

A. Tasks assigned to the COP/MOP at its first session

12. **Article 3, paragraph 14**

- Task: "In line with relevant decisions of the Conference of the Parties on the implementation of those paragraphs[1] the Conference of the Parties serving as the meeting of the Parties to this Protocol shall, at its first session, consider what actions are necessary to minimize the adverse effects of climate change and/or the impacts of response measures on Parties referred to in those paragraphs. Among the issues to be considered shall be the establishment of funding, insurance and transfer of technology."

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[1] Paragraphs 8 and 9 of Article 4 of the Convention.

Proposed allocation: SBI

- Explanation: The tasks to be undertaken by the COP/MOP pursuant to the provisions of this paragraph are closely related to those outlined in decision 3/CP.3 which was adopted together with the Kyoto Protocol. As decision 3/CP.3 specifically requests the SBI to undertake a process to address the matter in question, it would be in the interests of institutional efficiency for the SBI also to be allocated responsibility for action required under Article 3.14. In order to facilitate its work, the SBI could request inputs on technical matters from the SBSTA.[2]

13. **Article 5, paragraphs 1 and 2**

- Task: "Each Party included in Annex I shall have in place, no later than one year prior to the start of the first commitment period, a national system for the estimation of anthropogenic emissions by sources and removals by sinks of all greenhouse gases not controlled by the Montreal Protocol. Guidelines for such national systems, which shall incorporate the methodologies specified in paragraph 2 below, shall be decided upon by the Conference of the Parties serving as the meeting of the Parties to this Protocol at its first session" (Article 5.1).

  "Methodologies for estimating anthropogenic emissions by sources and removals by sinks of all greenhouse gases not controlled by the Montreal Protocol shall be those accepted by the Intergovernmental Panel on Climate Change and agreed upon by the Conference of the Parties at its third session. Where such methodologies are not used, appropriate adjustments shall be applied according to methodologies agreed upon by the Conference of the Parties serving as the meeting of the Parties to this Protocol at its first session" (Article 5.2).

- Proposed allocation: SBSTA

- Explanation: These tasks are within the purview of SBSTA's responsibility for "developing guidelines for the provision of comparable information, including all related methodological issues" (decision 13/CP.3, para. 3 (b) (i)).

14. **Article 7, paragraph 4**

- Task: "The Conference of the Parties serving as the meeting of the Parties to this Protocol shall adopt at its first session, and review periodically thereafter, guidelines for the preparation of the information required under this Article, taking into account

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[2] Article 2.3 includes related provisions for action by the COP/MOP with no specific deadline (see annex II, paragraph 4 below).

guidelines for the preparation of national communications by Parties included in Annex I adopted by the Conference of the Parties."

- Proposed allocation: SBSTA and SBI

- Explanation: The development of guidelines for the preparation of national communications under the Convention is undertaken by both subsidiary bodies, with the SBSTA providing advice on methodological issues to the SBI (see decisions 3/CP.1, 4/CP.1, 6/CP.1, 9/CP.2 and 13/CP.3). In the interests of institutional efficiency, it is proposed that this division of labour between the subsidiary bodies be continued under the Protocol.

15. **Article 8, paragraph 4**

- Task: "The Conference of the Parties serving as the meeting of the Parties to this Protocol shall adopt at its first session, and review periodically thereafter, guidelines for the review of implementation of this Protocol by expert review teams taking into account the relevant decisions of the Conference of the Parties."

- Proposed allocation: SBI

- Explanation: This task falls within the scope of SBI's responsibility for "developing guidelines on the processes for consideration of national communications" (decision 13/CP.3, para. 3 (a) (i)).

16. **Article 12, paragraph 7**

- Task: "The Conference of the Parties serving as the meeting of the Parties to this Protocol shall, at its first session, elaborate modalities and procedures[3] with the objective of ensuring transparency, efficiency and accountability through independent auditing and verification of project activities."

- Proposed allocation: SBSTA and/or SBI

- Explanation: Decision 1/CP.3 identifies Article 12.10 as an issue to be considered by COP 4 (see FCCC/CP/1997/7/Add.1, decision 1/CP.3, para. 5 (e)). The issue has been placed on the provisional agendas for the eighth sessions of both the SBSTA and the SBI and the Chairmen will make a proposal on the organization of work for this item (see FCCC/SBSTA/1998/1, paras. 6 and 7 and FCCC/SBI/1998/1, paras. 6 and 7). Parties may, therefore, wish to consider the division of labour on Article 12.7 in the light of conclusions by the subsidiary bodies on the organization of work on Article 12.10.

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[3] Relating to the clean development mechanism under Article 12.

Moreover, there are a number of tasks specified in Article 12 for action by COP/MOP with no specific deadline (see annex II, paragraph 10 below). Parties may wish to consider linking these to their consideration of Article 12.7 with a view to devising an integrated work programme on Article 12 in preparation for COP/MOP 1.

17. **Article 18**

- Task: "The Conference of the Parties serving as the meeting of the Parties to this Protocol shall, at its first session, approve appropriate and effective procedures and mechanisms to determine and to address cases of non-compliance with the provisions of this Protocol, including through the development of an indicative list of consequences, taking into account the cause, type, degree and frequency of non-compliance."

- Proposed allocation: SBI

- Explanation: This task falls within the role assigned to the SBI of developing "recommendations to assist the COP in its review and assessment of the implementation of the Convention and in the preparation and implementation of its decisions" (decisions 6/CP.1, subpara. (b) and 13/CP.3, para. 2 (b)).

B. Tasks assigned to the COP/MOP at its first session or as soon as practicable thereafter

18. **Article 2, paragraph 1(b)**

- Task: "Each Party included in Annex I ... shall ... Cooperate with other such Parties to enhance the individual and combined effectiveness of their policies and measures adopted under this Article, pursuant to Article 4, paragraph 2 (e) (i), of the Convention. To this end, these Parties shall take steps to share their experience and exchange information on such policies and measures, including developing ways of improving their comparability, transparency and effectiveness. The Conference of the Parties serving as the meeting of the Parties to this Protocol shall, at its first session or as soon as practicable thereafter, consider ways to facilitate such cooperation, taking into account all relevant information."

- Proposed allocation: SBI, with the assistance of SBSTA

- Explanation: In view of the cross-cutting nature of the task to be undertaken, both subsidiary bodies may need to be involved. The SBSTA could supply relevant information and advice on methodological and technical issues to the SBI to assist it in developing recommendations for the COP/MOP.

19. **Article 3, paragraph 4**

- Task: "The Conference of the Parties serving as the meeting of the Parties to this Protocol shall, at its first session or as soon as practicable thereafter, decide upon modalities, rules and guidelines as to how, and which, additional human-induced activities related to changes in greenhouse gas emissions by sources and removals by sinks in the agricultural soils and the land-use change and forestry categories shall be added to, or subtracted from, the assigned amounts for Parties included in Annex I, taking into account uncertainties, transparency in reporting, verifiability, the methodological work of the Intergovernmental Panel on Climate Change, the advice provided by the Subsidiary Body for Scientific and Technological Advice in accordance with Article 5 and the decisions of the Conference of the Parties."

- Proposed allocation: SBSTA

- Explanation: Article 3.4 specifically mandates the SBSTA to take responsibility for the action required pursuant to this paragraph. It should be recalled that decision 1/CP.3 also identifies this issue for consideration at COP 4. As noted in its provisional agenda and annotations, this issue will be taken up by the SBSTA at its eighth session (see FCCC/SBSTA/1998/1, para. 31).

20. **Article 6, paragraph 2**

- Task: "The Conference of the Parties serving as the meeting of the Parties to this Protocol may, at its first session or as soon as practicable thereafter, further elaborate guidelines for the implementation of this Article, including for verification and reporting."

- Proposed allocation: SBSTA and/or SBI

- Explanation: This task is identified by decision 1/CP.3 for consideration at COP 4 (decision 1/CP.3, para. 5 (c)) and has been placed on the provisional agendas for both the SBSTA and the SBI at their eighth sessions. Pursuant to decision 1/CP.3, para. 5, the Chairmen of the SBSTA and the SBI will make a joint proposal to the subsidiary bodies on the organization of work on this item (see FCCC/SBSTA/1998/1, paras. 6 and 7 and FCCC/SBI/1998/1, paras. 6 and 7).

Annex I

A. Summary of tasks allocated to the SBSTA

For COP/MOP 1

- Develop guidelines for national systems for the estimation of emissions under Article 5.
- Agree upon methodologies for the application of adjustments under Article 5.
- In conjunction with the SBI, develop guidelines for the preparation of information required under Article 7.
- In conjunction with the SBI, elaborate modalities and procedures for the clean development mechanism under Article 12.

For COP/MOP 1, or as soon as practicable thereafter

- As necessary, assist the SBI in considering ways to facilitate cooperation among Annex I Parties with regard to policies and measures under Article 2.
- Develop modalities, rules and guidelines regarding the incorporation of additional human-induced activities in the agricultural soils and the land-use change and forestry categories in commitments under Article 3 (Article 3.4).
- In conjunction with the SBI, further elaborate guidelines for the implementation of Article 6.

B. Summary of tasks allocated to the SBI

For COP/MOP 1

- Consider what actions are necessary to minimize adverse effects of climate change and/or the impacts of response measures on Parties referred to in Articles 4.8 and 4.9 of the Convention (Article 3.14).
- In conjunction with the SBSTA, develop guidelines for the preparation of information required under Article 7.
- Develop guidelines for the review of implementation under Article 8.
- In conjunction with the SBSTA, elaborate modalities and procedures for the clean development mechanism under Article 12.

- Develop procedures and mechanisms to determine and to address cases of non-compliance with the provisions of the Protocol (Article 18).

For COP/MOP 1, or as soon as practicable thereafter

- Consider ways to facilitate cooperation among Annex I Parties with regard to policies and measures under Article 2.

- In conjunction with the SBSTA, further elaborate guidelines for the implementation of Article 6.

Annex II

A. Tasks assigned to the COP/MOP by a specific deadline

Second session of the COP/MOP

1. **Article 9, paragraph 2**

- Review the Protocol at the second session of the COP/MOP and take appropriate action thereon.

By 2005

2. **Article 3, paragraph 9**

- Initiate the consideration of commitments for subsequent periods for Annex I Parties at least seven years before the end of the first commitment period.

Prior to 2008

3. **Article 7, paragraph 4**

- Decide upon modalities for the accounting of assigned amounts prior to the first commitment period.

B. Tasks assigned to the COP/MOP with no specific deadline

4. **Article 2, paragraphs 3 and 4**

- May take further action, as appropriate, to promote the implementation of policies and measures under Article 2 in such a way as to minimize adverse effects (Article 2.3) [4]

- If the COP/MOP decides that it would be beneficial to coordinate any of the policies and measures in Article 2.1(a), consider ways and means to elaborate such coordination (Article 2.4).

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[4] Article 3.14 includes related provisions for action by the COP/MOP at its first session (see section II, paragraph 12 above).

5 **Article 3, paragraphs 5 and 6**

- Decide on the acceptance of any notification by an Annex I Party with an economy in transition regarding its intention to use an historical base year or period other than 1990 (Article 3.5)

- Allow a certain degree of flexibility to Annex I Parties with economies in transition in the implementation of their commitments under the Protocol other than those under (Article 3.6)

6 **Article 5, paragraphs 2 and 3**

- Regularly review and, as appropriate, revise methodologies for emission estimates and adjustments under Article 5 (Article 5.2)

- Regularly review and, as appropriate, revise global warming potentials under Article 5 (Article 5.3)

7 **Article 7, paragraphs 3 and 4**

- Determine the frequency of subsequent submission of information required under Article 7 (Article 7.3)

- Review periodically guidelines for the preparation of the information required under Article 7 (Article 7.4)

8 **Article 8, paragraphs 4, 5 and 6**

- Review periodically guidelines for the review of implementation of the Protocol by expert review teams (Article 8.4)

- Consider

  - Information submitted by Parties under Article 7 and the reports of the expert reviews thereon;

  - Questions of implementation listed by the secretariat and any questions raised by Parties (Article 8.5)

- Pursuant to its consideration of the above-mentioned information, take decisions on any matter required for the implementation of the Protocol (Article 8.6)

9 **Article 9, paragraph 1**

- Periodically review the Protocol and take appropriate action thereon.

10 **Article 12, paragraphs 3(b), 4, 5 and 8**[5]

- Determine how Parties may use certified emission reductions accruing from project activities under the clean development mechanism (CDM) to contribute to compliance with part of their emission commitments (Article 12.3(b)).

- Exercise authority and guidance over the CDM (including, *inter alia*, establishment of an executive board) (Article 12.4).

- Designate operational entities to certify emission reductions resulting from each project activity under the CDM (Article 12.5).

- Ensure that a share of the proceeds from certified project activities under the CDM is used to cover administrative expenses as well as to assist developing country Parties that are particularly vulnerable to the adverse effects of climate change to meet the costs of adaptation (Article 12.8).

11 **Article 13**

- This Article assigns a number of ongoing tasks to the COP/MOP, many of which are carried over, *mutatis mutandis*, from those of the COP under the Convention as specified in Article 7 of the Convention. Parties may wish to consider whether any such tasks should be taken up at COP/MOP 1.

- Parties may also wish to consider whether it would be helpful to clarify modalities and procedures for the functioning of the COP/MOP, particularly in the context of that body's relationship to the COP to the Convention, in preparation for its first session.

12 **Article 16**

- As soon as practicable, consider the application to the Protocol and modify, as appropriate, the multilateral consultative process referred to in Article 13 of the Convention.

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[5] These tasks could be integrated with action required under Article 12 by COP/MOP 1 (see section II, paragraph 16 above).